

and treating this President differently from past Presidents.

If the Republican caucus continues to abuse the filibuster rules and obstruct these fine nominees without justification, then I believe this body must consider anew whether a rules change should be in order. As I stated above, that is not a change that I want to see happen but if Republican Senators are going to hold nominations hostage without consideration of their individual merit, drastic measures may be warranted.

Earlier this year, nearly every single Senate Democrat pushed the Majority Leader for a rules change in the face of Republican obstruction. I was one of the few members of the majority who voiced concern about changing the Senate rules. I believe that if Republicans filibuster yet another well-qualified nominee to this court tonight, it will be a tipping point. Senate Republicans have blocked three well-qualified women in a row from receiving a confirmation vote and now they are on the brink of filibustering the next nominee, Judge Robert Wilkins. I fear that after tonight the talk about changing the cloture rules for judicial nominations will no longer be just talk. There will be action. We cannot allow this unprecedented, wholesale obstruction to continue without undermining the Senate's role provided in the Constitution and without harming our independent Federal judiciary.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 235 Ex.]

YEAS—53

| | | |
|------------|--------------|-------------|
| Baldwin | Hagan | Murphy |
| Baucus | Harkin | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Heitkamp | Pryor |
| Booker | Hirono | Reed |
| Boxer | Johnson (SD) | Rockefeller |
| Brown | Kaine | Sanders |
| Cantwell | King | Schatz |
| Cardin | Klobuchar | Schumer |
| Carper | Leahy | Shaheen |
| Casey | Levin | Stabenow |
| Collins | Manchin | Tester |
| Coons | Markey | Udall (CO) |
| Donnelly | McCaskill | Udall (NM) |
| Durbin | Menendez | Warren |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |
| Gillibrand | Murkowski | |

NAYS—38

| | | |
|-----------|--------------|----------|
| Alexander | Enzi | Moran |
| Ayotte | Fischer | Paul |
| Barrasso | Flake | Portman |
| Boozman | Grassley | Reid |
| Burr | Heller | Risch |
| Chambliss | Hoeven | Roberts |
| Coats | Inhofe | Scott |
| Coburn | Johanns | Sessions |
| Cochran | Johnson (WI) | Shelby |
| Corker | Kirk | Thune |
| Cornyn | Lee | Toomey |
| Crapo | McCain | Wicker |
| Cruz | McConnell | |

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—8

| | | |
|--------|----------|--------|
| Begich | Isakson | Vitter |
| Blunt | Landrieu | Warner |
| Graham | Rubio | |

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 38. One Senator responded "Present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Wilkins nomination.

The PRESIDING OFFICER. The motion is entered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Jack Reed, Angus S. King, Jr., Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tim Kaine, Christopher A. Coons, Tom Udall, Sheldon Whitehouse, Bill Nelson, Joe Manchin III, Mark R. Warner, Debbie Stabenow, Amy Klobuchar, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—91

| | | |
|------------|------------|--------------|
| Alexander | Coons | Hirono |
| Ayotte | Corker | Hoeven |
| Baldwin | Cornyn | Inhofe |
| Barrasso | Crapo | Johanns |
| Baucus | Cruz | Johnson (SD) |
| Bennet | Donnelly | Johnson (WI) |
| Blumenthal | Durbin | Kaine |
| Booker | Enzi | King |
| Boozman | Feinstein | Kirk |
| Boxer | Fischer | Klobuchar |
| Brown | Flake | Leahy |
| Burr | Franken | Lee |
| Cantwell | Gillibrand | Levin |
| Cardin | Grassley | Manchin |
| Carper | Hagan | Markey |
| Casey | Harkin | McCain |
| Coats | Hatch | McCaskill |
| Coburn | Heinrich | McConnell |
| Cochran | Heitkamp | Menendez |
| Collins | Heller | Merkley |